REMARKS:

This paper is herewith filed in response to the Examiner's Final Office Action mailed on December 28, 2006 for the above-captioned U.S. Patent Application. That office action rejects claims 1-4, 7-13, 16-21, 24-26, 29-31, 34-36, 39-41, 44-46 and 49-51.

More specifically, the Examiner has rejected claims 51 under 35 USC 101 because the claimed invention is directed to non-statutory subject matter; rejected claims 1-3, 7-12, 16-21, 24-26, 29-31, 34-36, 39-41, 44-46, and 49-51 under 35 USC 102(e) as anticipated by Kitagawa (US6,603,980); rejected claims 4 and 13 under 35 USC 103(a) as being unpatentable over Kitagawa as applied to claims 1-3, 7-12, 16-21, 24-26, 29-31, 34-36, 39-41, 44-46, and 49-51 above. The applicant respectfully addresses the rejections.

Claims 1, 10, 49, 50 and 51 have been amended for clarification. Claims 7, 20, and 21 have been amended accordingly. Support for the amendments can at least be found page 7, lines 12-25, and page 8, lines 10-17 of the published PCT International application number PCT/EP99/04495. No new matter is added.

Regarding the rejection of claim 51 under 35 USC 101, the Applicant has amended claim 51 to recite in part "A computer program product embodied on a computer-readable medium and comprising computer programming that, when executed result in operations," Support for the amendment is at least found on page 9, lines 26-32 of the published PCT International application number PCT/EP99/04495. The rejection is now seen as overcome and the rejection should be removed.

In regards to the rejection of claim 1 under 35 USC 102(e) the Examiner states Kitagawa discloses a method comprising "storing a predetermined number of the values of said specific information elements of a plurality of subsequent time units [Fig. 2, Accumulating section 113, col. 4, lines 24-33; it is inherent that the memory is finite and that these values are stored over a finite period of time]. The Applicant respectfully disagrees with the Examiner.

What is actually stated in col. 4, lines 24-33 is the following:

> Accumulating section **113** obtains the symbol and amplitude ratio of the TPC bit of the reception signal from determining section **110**. The symbol indicates an instruction for an increase or instruction for a decrease of transmit power and the amplitude ratio indicates an amount of the increase or decrease of transmit power. Accumulating section **113** can obtain an amplitude control value to instruct transmission amplifier **104** to increase or decrease transmit power by an arbitrary amount of increase or decrease by combining these two conditions.

As disclosed in Kitagawa the "accumulating section 113 obtains the symbol [i.e. 0 or 1] and amplitude ratio of the TPC bit of the reception signal," (emphasis added). In other words, only one TCP bit (or specific information element) at a time is processed in the accumulating section. Further, there is no indication that more than one TPC bit (symbol and amplitude) is processed at the same time or stored in the accumulating section for later processing. Kitagawa merely discloses that the function of the accumulating section 113 is to generate an amplitude control value derived from the TPC bit symbol value (increase or decrease instructions) and the amplitude control value to control the amplifier accordingly.

In addition, Kitagawa discloses "Moreover, if the amplitude of the received TPC bit is 0, the amplitude control value, which is the output of accumulating section 113, is .+-.0 and the increase or decrease instruction indicated by the TPC bit symbol is substantially insignificant and an instruction "retain the current value" is sent to transmission amplifier 104," (emphasis added), (col. 4, lines 44 to 49). Thus, in Kitagawa there could also be the instruction "retain the current value" in case the TPC information is indicating that no increase or decrease is to be effected. This is seen to suggest that every individual TPC bit is processed for obtaining a respective amplitude control value. Thus, Kitagawa does not appear to disclose or suggest a plurality of values corresponding to a plurality of subsequent time units are stored in the accumulating section as in the present invention.

In the rejection of claim 1 the Examiner states Kitagawa is "[...] summing the predetermined number of the values of the specific information elements [Fig. 2, Determining section 110 calculates the increase/decrease power TPC bit and the amplitude of the TPC bit in the reception

signal, col. 4, lines 15-23]." The Applicant disagrees with the Examiner.

What is actually stated in col. 4, lines 15-23 is the following:

> Determining section **110** includes bit determining section **111** and amplitude reading section **112**. Determining section **110** acquires reception data from the demodulated reception signal and outputs it. Bit determining section **111** extracts a TPC bit from the reception signal and determines whether the TPC bit is 0 or 1. On the other hand, amplitude reading section **112** reads a ratio of the amplitude of the signal other than the TPC bit to the amplitude of the TPC bit in the reception signal.

As Kitagawa discloses, the determining section 110 determines whether an increase or a decrease is to be effected (based on the symbol 0 or 1 of the TPC bit) and an amount of the increase or decrease by determining a difference between the amplitude of the TPC bit and the other bits received. However, Kitagawa does not appear to disclose the execution of a summing operation of (stored) values. It is to be further noted that as stated above Kitagawa discloses the "Accumulating section **113** obtains the symbol and amplitude ratio of the TPC bit of the reception signal from determining section **110,**" (col. 4, lines 24-26). Whereas, according to the present invention, the calculating step (which is allegedly executed by the determining section) uses data previously stored in the storing step (which is interpreted by the Examiner to be done by the accumulating means). Hence, the order is diametrically opposed. Clearly, Kitagawa does not disclose or suggest claim 1.

In addition, for at least the reasons already stated Kitagawa does not appear to disclose or suggest a calculated power increase (added to a predetermined value) and a sum of TPC bit values, as in claim 1. Furthermore, Kitagawa does not appear to disclose or suggest a method as in claim 1 wherein the predetermined number of TPC bit values is derived in a continuous time period and used thereafter. Moreover, in regards to the values of the specific information element being either positive or negative, the Examiner has already indicated that this is not disclosed in Kitagawa (even though the Applicant contends that this would require an inventive step). It is to be noted that reference Kitagawa only discloses that the TPC bit values are 1 or 0. Thus, if a "summing" up of these values were accomplished in Kitagawa, the result would clearly not be

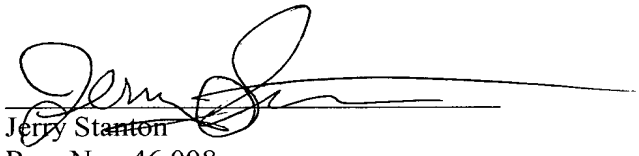
useful. For example, if there was summing up of the values in Kitagawa where the result could be either a one decrease (0+0+0...+0=0), and a greater than one increase of the power (1+1+1...+1) is processed, a later decrease of only one would not function properly to offset the increase. Therefore, the Applicant contends that wherein the values are positive or negative provides a clear distinction between the present invention and Kitagawa. Clearly, Kitagawa does not disclose or suggest claim 1.

For at least the reasons stated Kitagawa is not seen to suggest or disclose claim 1. Thus the rejection of claim 1 should be removed and claim 1 should be allowed.

In addition, as the independent claims 10, 49, 50, and 51 recite a similar feature of claim 1 as noted above, for at least the reasons stated none of the references alone or combined disclose or suggest these claims, and all the claims 1, 10, 49, and 51 should be allowed.

Furthermore, as the claims 2-4, 7-9, 11-13, 16-18, 24-26, and 29-31; and 11-13, 16-18, 34-36, 39-41, and 44-45 depend from claims 1 and 10 respectively; the references cited does not disclose or suggest these claims and all the claims 1-13, 16-21, 24-26, 29-31, 34-36, 39-41, 44-46, and 49-51 should be allowed.

Respectfully submitted:



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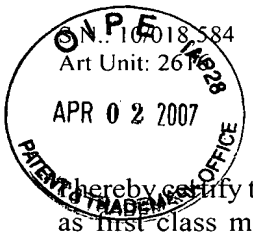

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